

ESTTA Tracking number: **ESTTA356234**

Filing date: **07/02/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Clover Farms Dairy Company
Granted to Date of previous extension	07/25/2010
Address	3300 Pottsville Pike Reading, PA 19605 UNITED STATES

Attorney information	Tristram R. Fall, III, Esquire Fox Rothschild LLP P.O. Box 5231 Princeton, NJ 08543-5231 UNITED STATES tfall@foxrothschild.com, ipdocket@foxrothschild.com Phone:215-299-2016
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Applicant Information

Application No	76680932	Publication date	01/26/2010
Opposition Filing Date	07/02/2010	Opposition Period Ends	07/25/2010
Applicant	Clover-Stornetta Farms, Inc. 91 Lakeville Street Petaluma, CA 94952 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. All goods and services in the class are opposed, namely: milk; eggs; and other dairy products, namely, cheese
Class 030. All goods and services in the class are opposed, namely: ice cream

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77763209	Application Date	06/18/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CLOVER FARMS		

Design Mark	CLOVER FARMS
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1940/00/00 First Use In Commerce: 1970/00/00 Milk, chocolate milk, buttermilk, butter, cottage cheese, egg nog, half and half, heavy cream, light cream, non-dairy creamer, sour cream, and whipping cream

Attachments	77763209#TMSN.jpeg (1 page)(bytes) Notice of Opposition -- CLOVER FARMS -- CLOVER FARMSTEAD.pdf (31 pages)(289305 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Tristram R. Fall, III/
Name	Tristram R. Fall, III
Date	07/02/2010

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS ("ESTTA")
DATE OF FILING: July 2, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Trademark Application of
Clover-Stornetta Farms, Inc.

Mark: "CLOVER FARMSTEAD"

Serial No.: 76/680,932

Filed: August 20, 2007

Published in the Official Gazette on
January 26, 2010

CLOVER FARMS DAIRY COMPANY :

Opposer, :

v. :

CLOVER-STORNETTA FARMS, INC. :

Applicant. :

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, Clover Farms Dairy Company, a Pennsylvania corporation having an address of 3300 Pottsville Pike, Reading, PA 19605 ("Opposer"), believes that it would be damaged by the registration of the mark shown in Application Serial No. 76/680,932 and hereby opposes the same under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. § 1063, as amended.

As grounds for opposition, Opposer alleges that:

1. Clover-Stornetta Farms, Inc. (“Applicant”) seeks to register the mark “CLOVER FARMSTEAD”, as shown in Application Serial No. 76/680,932, as a trademark for use on goods described as “milk; eggs; and other dairy products, namely, cheese”, in International Class 029, and “ice cream”, in International Class 030, as evidenced by publication of the mark in the January 26, 2010 issue of the Official Gazette (“Applicant’s Mark”). (See Exhibit A hereto.)

2. Opposer is the owner of an application to register the mark “CLOVER FARMS”, Application Serial No. 77/763,209 (“Opposer’s Mark”), filed on June 18, 2009, for use on goods described as “milk, chocolate milk, buttermilk, butter, cottage cheese, egg nog, half and half, heavy cream, light cream, non-dairy creamer, sour cream, and whipping cream”, in International Class 029.

3. Opposer duly adopted Opposer’s Mark for use on the aforementioned goods. Opposer first used Opposer’s Mark in intrastate commerce at least as early as 1940. Opposer first used Opposer’s Mark in interstate commerce at least as early as 1970. Opposer continues to offer these goods in interstate commerce and has continuously used Opposer’s Mark in this manner since at least as early as 1970.

4. There is no issue as to priority, as Applicant filed Application Serial No. 76/680,932 on August 20, 2007, on an Intent-to-Use basis, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b). Accordingly, for priority purposes, Applicant’s filing date (August 20, 2007) is its priority date. This priority date is considerably subsequent to the date of Opposer’s first use of Opposer’s Mark in interstate commerce at least as early as 1970.

5. Opposer has made a substantial investment in promoting its goods as described above in connection with Opposer’s Mark and has developed substantial goodwill which is symbolized by this mark. Opposer has extensively used, promoted and offered its

goods under Opposer's Mark to the public through various channels of trade in interstate commerce, with the result that its customers, and the public in general, have come to know and recognize Opposer's Mark, and to identify, associate and/or equate this mark with Opposer and/or the goods offered, marketed and/or provided by Opposer.

6. By virtue of its substantial investment in promoting its goods under Opposer's Mark, and by virtue of the excellence of its goods, Opposer has gained a valuable reputation for Opposer's Mark.

7. Opposer's Mark and Applicant's Mark each consist solely of text. Applicant's Mark consists of two terms – "CLOVER FARMSTEAD". Opposer's Mark also consists of two terms – "CLOVER FARMS". Opposer's Mark is essentially identical to the first two-thirds of Applicant's mark, the only difference being the presence (or absence) of the suffix "-TEAD" after the stem "FARMS-".

8. The similarities between Applicant's Mark and Opposer's Mark are increased in view of the fact that Applicant has disclaimed the exclusive right to use the term "FARMSTEAD", apart from the mark as shown, as evidenced by the publication of the mark in the January 26, 2010 issue of the Official Gazette, at Page TM 10 set forth in Exhibit A hereto, as well as in the print-out of the listing of Trademark Application Serial No. 76/680,932 contained on the Trademark Office's online database, the Trademark Electronic Search System ("TESS") (available at <http://www.uspto.gov/main/trademarks.htm>), a copy of which is attached hereto as Exhibit B. Similarly, Opposer has disclaimed the exclusive right to use the term "FARMS", apart from the mark as shown.

9. Applicant's Mark so resembles Opposer's Mark as to be likely, when applied to Applicant's and Opposer's respective goods, to cause confusion or mistake and/or to deceive purchasers, resulting in damage to Opposer and its reputation.

10. Upon information and belief, the goods on which Applicant uses Applicant's Mark, namely, "milk; eggs; and other dairy products, namely, cheese", and "ice cream", and the goods on which Opposer's Mark is used, namely, "milk, chocolate milk, buttermilk, butter, cottage cheese, egg nog, half and half, heavy cream, light cream, non-dairy creamer, sour cream, and whipping cream", are related and/or identical and are likely to be offered and/or targeted to the same group or groups of purchasers.

11. Because of the similarities that exist between Applicant's Mark and Opposer's Mark, and because the parties' goods are related and/or identical and are likely to be encountered by the same customer groups, Opposer's customers and the general public are likely to be confused, mistaken and/or deceived as to the origin and sponsorship of Applicant's goods and misled into believing that Applicant's goods offered under Applicant's Mark are provided by, or are in some other way directly or indirectly associated or affiliated with, Opposer, resulting in damage to Opposer and its reputation.

12. Given the relative fame that Applicant enjoys in the field of dairy products, it is also possible that, for the reasons set forth above, Opposer's customers and the general public may be confused, mistaken and/or deceived as to the origin and sponsorship of Opposer's goods and misled into believing that Opposer's goods offered under Opposer's Mark are provided by, or are in some other way directly or indirectly associated or affiliated with, Applicant, resulting in reverse confusion and, again, damage to Opposer and its reputation.

13. Opposer has no control over the nature or quality of the goods on which Applicant uses Applicant's Mark. In the event of false association with Opposer, any defects, objections or faults found with any goods offered under Applicant's Mark could inflict serious injury upon Opposer and its reputation.

14. If the mark “CLOVER FARMSTEAD” is registered pursuant to Application Serial No. 76/680,932, Applicant will acquire the *prima facie* exclusive right to use the mark “CLOVER FARMSTEAD” on and in connection with the dairy products set forth in such application throughout the United States. This will damage Opposer in that there will be a likelihood of confusion, and probably actual confusion, among consumers and in the trade as to the true source of origin of the dairy products provided by Applicant under Applicant’s Mark. Such confusion will inevitably damage Opposer and result in irreparable harm to Opposer.

15. The United States Patent and Trademark Office (the “USPTO”), in an Office Action dated September 24, 2009, refused registration of Opposer’s Mark based on the possibility of a likelihood of confusion with, *inter alia*, Applicant’s Mark, should the application to register that mark mature into a registration. (See Exhibit C hereto.) The USPTO subsequently suspended Application Serial No. 77/763,209 in a Notice of Suspension dated March 26, 2010, pending the disposition of the application to register, *inter alia*, Applicant’s Mark. (See Exhibit D hereto.)


16. Pursuant to Trademark Rule 2.102, Opposer obtained a series of extensions of time for filing a Notice of Opposition against Application Serial No. 76/680,932, until and including July 25, 2010. (See Exhibit E hereto.)

17. In sum, the registration of Applicant’s Mark by Applicant will prevent the registration of Opposer’s Mark by Opposer and seriously damage Opposer and its reputation.

WHEREFORE, Opposer prays that Application Serial No. 76/680,932 be refused registration, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

CLOVER FARMS DAIRY COMPANY

By: 

Tristram R. Fall, III, Esquire
Edward L. Brant, Esquire
Fox Rothschild LLP
P.O. Box 5231
Princeton, NJ 08543-5231
(215) 299-2016
Counsel for Opposer

Dated: July 2, 2010

EXHIBIT A

CLASS 33—WINES AND SPIRITS

FOR (BASED ON 44(E) PURSUANT TO SWEDISH FOREIGN REGISTRATION NUMBER 248376) ALCOHOLIC BEVERAGES, NAMELY, LIQUEURS, CORDIALS, DISTILLED SPIRITS, DISTILLED LIQUOR, FLAVORED BREWED MALT BEVERAGES, PREPARED ALCOHOLIC AND WINE COCKTAILS, AND ALCOHOLIC MALT COOLERS (U.S. CLS. 47 AND 49).

CLASS 34—SMOKERS' ARTICLES

FOR (BASED ON 44(E) PURSUANT TO SWEDISH FOREIGN REGISTRATION NUMBER 248376) SMOKER'S ARTICLES, NAMELY, CIGARS, CIGARETTE LIGHTERS, ASHTRAYS NOT OF PRECIOUS METAL, AND MATCHES (U.S. CLS. 2, 8, 9 AND 17).

CLASS 43—HOTEL AND RESTAURANT SERVICES

FOR (BASED ON 44(E) PURSUANT TO SWEDISH FOREIGN REGISTRATION NUMBER 248376) SERVICES FOR PROVIDING FOOD AND DRINK, NAMELY, RESTAURANT, BAR, COCKTAIL LOUNGE, CATERING AND CAFE SERVICES (U.S. CLS. 100 AND 101).
KIMBERLY FRYE, EXAMINING ATTORNEY

CLASS 40—MATERIAL TREATMENT

FOR CUSTOM FABRICATION OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER SERVICE TRANSACTIONS, AND FIXTURES RELATED THERETO, FOR THE SHOPPING CENTER INDUSTRY; FABRICATION TO THE ORDER AND SPECIFICATION OF OTHERS OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER SERVICE TRANSACTIONS, FOR THE SHOPPING CENTER INDUSTRY; CONTRACT MANUFACTURING OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER SERVICE TRANSACTIONS AND FIXTURES RELATED THERETO, FOR THE SHOPPING CENTER INDUSTRY; ASSEMBLY OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER SERVICE TRANSACTIONS AND FIXTURES RELATED THERETO, FOR THE SHOPPING CENTER INDUSTRY (U.S. CLS. 100, 103 AND 106).
FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.

CLASS 42—SCIENTIFIC AND COMPUTER SERVICES

FOR DESIGN, DEVELOPMENT AND ENGINEERING SERVICES FOR EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER TRANSACTIONS, AND FIXTURES RELATED THERETO, FOR THE SHOPPING CENTER INDUSTRY; GRAPHIC PRODUCTION SERVICES, NAMELY, GRAPHIC ART DESIGN FOR USE IN THE DESIGN, DEVELOPMENT, ENGINEERING AND FABRICATION OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER SERVICE TRANSACTIONS, FOR THE SHOPPING CENTER INDUSTRY (U.S. CLS. 100 AND 101).
FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.
TINA BROWN, EXAMINING ATTORNEY

SN 76-679,562. VIAD CORP, PHOENIX, AZ. FILED 7-16-2007.

EG RETAIL

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RETAIL", APART FROM THE MARK AS SHOWN.

CLASS 37—CONSTRUCTION AND REPAIR

FOR ON-SITE INSTALLATION OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNITS, RETAIL INTERIOR STRUCTURES AND SERVICE CENTERS, NAMELY, RETAIL KIOSKS FOR CONDUCTING CUSTOMER SERVICE TRANSACTIONS AND FIXTURES RELATED THERETO, FOR THE SHOPPING CENTER INDUSTRY (U.S. CLS. 100, 103 AND 106).
FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.

CLASS 39—TRANSPORTATION AND STORAGE

FOR TRANSPORTING AND WAREHOUSING OF EXHIBITS, DISPLAYS, KIOSKS, RETAIL MERCHANDISING UNIT MATERIALS, RETAIL INTERIOR STRUCTURE AND SERVICE CENTER MATERIALS, AND FIXTURES RELATED THERETO, FOR THE SHOPPING CENTER INDUSTRY (U.S. CLS. 100 AND 105).
FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.

SN 76-680,932. CLOVER-STORNETTA FARMS, INC., PETALUMA, CA. FILED 8-20-2007.

CLOVER FARMSTEAD

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARMSTEAD", APART FROM THE MARK AS SHOWN.

CLASS 29—MEATS AND PROCESSED FOODS

FOR MILK; EGGS; AND OTHER DAIRY PRODUCTS, NAMELY, CHEESE (U.S. CL. 46).

CLASS 30—STAPLE FOODS

FOR ICE CREAM (U.S. CL. 46).
TRACY FLETCHER, EXAMINING ATTORNEY

EXHIBIT B



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CLOVER FARMSTEAD

Word Mark	CLOVER FARMSTEAD
Goods and Services	IC 029. US 046. G & S: milk; eggs; and other dairy products, namely, cheese
	IC 030. US 046. G & S: ice cream
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76680932
Filing Date	August 20, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	January 26, 2010
Owner	(APPLICANT) Clover-Stornetta Farms, Inc. CORPORATION CALIFORNIA 91 Lakeville Street Petaluma CALIFORNIA 94952
Attorney of Record	Catherine J. Banti
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARMSTEAD" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT C

To: Clover Farms Dairy Company (tfall@foxrothschild.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77763209 - CLOVER FARMS - CFD-010
Sent: 9/24/2009 1:39:58 PM
Sent As: ECOM102@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/763209

MARK: CLOVER FARMS

77763209

CORRESPONDENT ADDRESS:

TRISTRAM R. FALL, III, ESQUIRE
FOX ROTHSCHILD LLP
2000 MARKET ST FL 10
PHILADELPHIA, PA 19103-7006

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Clover Farms Dairy Company

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

CFD-010

CORRESPONDENT E-MAIL ADDRESS:

tfall@foxrothschild.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 9/24/2009

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Prior Pending Applications

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no similar registered mark that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, marks in prior-filed pending applications may present a bar to registration of applicant's mark.

The filing dates of pending Application Serial Nos. 76/680931 and 76/680932 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

Disclaimer

Applicant must disclaim the descriptive wording "FARMS" apart from the mark as shown because it merely describes a characteristic or feature of the goods, namely, the goods were grown on a farm. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). See the attached dictionary evidence.

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements, or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods and/or services. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods and/or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. *See* TMEP §1213.10.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int'l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use "FARMS" apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

/Cimmerian Coleman/
Examining Attorney
Law Office 102
Tel. 571-272-9146
Fax. 571-273-9102

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

DESIGN MARK

Serial Number

76680931

Status

SUSPENSION LETTER - MAILED

Word Mark

CLOVER ORGANIC FARMS

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Clover-Stornetta Farms, Inc. CORPORATION CALIFORNIA 91 Lakeville
Street Petaluma CALIFORNIA 94952

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: organic milk; eggs;
and other diary products, namely, cheese. First Use: 2005/02/18.
First Use In Commerce: 2005/02/18.

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: organic ice cream.
First Use: 2005/02/18. First Use In Commerce: 2005/02/18.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANIC FARMS" APART
FROM THE MARK AS SHOWN.

Filing Date

2007/08/20

Examining Attorney

FLETCHER, TRACY

Attorney of Record

Catherine J. Banti

CLOVER ORGANIC FARMS

DESIGN MARK

Serial Number

76680932

Status

SUSPENSION LETTER - MAILED

Word Mark

CLOVER FARMSTEAD

Standard Character Mark

Yes

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Clover-Stornetta Farms, Inc. CORPORATION CALIFORNIA 91 Lakeville
Street Petaluma CALIFORNIA 94952

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: milk; eggs; and
other diary products, namely, cheese.

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: ice cream.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FARMSTEAD" APART FROM
THE MARK AS SHOWN.

Filing Date

2007/08/20

Examining Attorney

FLETCHER, TRACY

Attorney of Record

Catherine J. Banti

CLOVER FARMSTEAD



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- ↑
- farfel
- Fargo
- Fandabad
- farina
- farinaceous
- farnose
- farkleberry
- farl
- ▶ **farm**
- farm bike
- farm hand
- farm out
- farm school

farm

farm [faarm]

noun (*plural farms*)

Definition:

1. agricultural land and buildings: an area of land where crops are grown or animals are reared for commercial purposes, together with appropriate

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farm team
farmer
farmer cheese
Farmer Mac



Print Preview

See pronunciation key

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purposes, together with appropriate buildings

2. place producing particular animals or crops: an area of land or water where particular animals, birds, fish, or crops are raised for commercial purposes (*usually used in combination*)

- *a trout farm*

3. farm buildings: a farmhouse or group of farm buildings

4. land used by industry: a piece of land on which something is stored, produced, or processed, especially on an industrial scale (*usually used in combination*)

- *an antenna farm*

verb (*past and past participle* farmed, *present participle* farm-ing, *3rd person present singular* farms)

Definition:

1. transitive and intransitive verb use land for agriculture: to use land for growing crops and rearing animals for sale

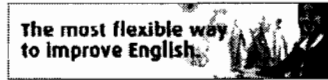
2. transitive verb rear something commercially: to rear animals, birds, or fish commercially

3. transitive verb
Same as farm out (sense 1)

[14th century. Via French, "lease" < ...]

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- Somebody's got to do these 'Dirty Jobs' on the Discovery Channel
- Mom's Homeroom: Tips & tools for back to school
- MSN Shopping: Best books for the season
- MSN Careers: Nail that job interview
- Today's news on MSNBC



Encarta Message Boards
Pose questions, share information, offer advice.

Shopping



SHOP FANTASTIC POST HOLIDAY SALES

Shop for Deals On

Computers
Electronics

medieval Latin *firma* "fixed payment" <
Latin *firmare* "fix, settle, confirm" < *firmus*
"firm"]

Electronics
Sports Gear
Video Games

- **farm-a-ble** *adjective*
- **farm-ing** *noun*

bet the farm to take a considerable risk
on a particular venture or outcome

buy the farm to die or be killed (*slang*)

Cultural Note

Animal Farm, a novel (1945) by British
writer George Orwell. A satirical allegory
of Stalinist Russia, it describes how a
group of farm animals, led by pigs,
overthrow their human owner and try to
run the farm on egalitarian principles.
Corrupted by power, the pigs distort
their ideology to support their
increasingly brutal tyranny, justifying
their actions with slogans such as "All
animals are equal, but some are more
equal than others."

EXHIBIT D

To: Clover Farms Dairy Company (tfall@foxrothschild.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77763209 - CLOVER FARMS - CFD-010
Sent: 3/26/2010 8:23:09 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77763209

MARK: CLOVER FARMS

77763209

CORRESPONDENT ADDRESS:

TRISTRAM R. FALL, III, ESQUIRE
FOX ROTHSCHILD LLP
2000 MARKET ST FL 10
PHILADELPHIA, PA 19103-7006

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Clover Farms Dairy Company

CORRESPONDENT'S REFERENCE/DOCKET

NO:

CFD-010

CORRESPONDENT E-MAIL ADDRESS:

tfall@foxrothschild.com

NOTICE OF SUSPENSION

ISSUE/MAILING DATE: 3/26/2010

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **76680931 and 76680932**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **was sent previously**.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

/Cimmerian Coleman/
Examining Attorney
Law Office 102
Tel. 571-272-9146
Fax. 571-273-9102

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

EXHIBIT E

ESTTA Tracking number: **ESTTA329841**

Filing date: **02/01/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: **Clover-Stornetta Farms, Inc.**
Application Serial Number: **76680932**
Application Filing Date: **08/20/2007**
Mark: **CLOVER FARMSTEAD**
Date of Publication **01/26/2010**

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Clover Farms Dairy Company, 3300 Pottsville Pike, Reading, PA 19605, UNITED STATES, a corporation organized under the laws of Pennsylvania, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

- The potential opposer is engaged in settlement discussions with applicant

The time within which to file a notice of opposition is set to expire on 02/25/2010. Clover Farms Dairy Company respectfully requests that the time period within which to file an opposition be extended until 05/26/2010.

Respectfully submitted,
/Tristram R. Fall, III/
02/01/2010

Tristram R. Fall, III, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103
UNITED STATES
tfall@foxrothschild.com
215-299-2016

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tristram R. Fall, III, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103

Mailed: February 1, 2010

Serial No.: 76680932
ESTTA TRACKING NO: ESTTA329841

The request to extend time to oppose is granted until
5/26/2010 on behalf of potential opposer **Clover Farms Dairy
Company**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

TRADEMARK TRIAL AND APPEAL BOARD RULE CHANGES

The USPTO has issued new rules pertaining to TTAB
proceedings. Parties are urged to familiarize themselves
with the new rules.

Among other changes, for any notice of opposition filed on
or after November 1, 2007, the new rules require an opposer
to provide proof of service of the notice of opposition
upon the applicant at the time the notice of opposition is
filed. Trademark Rule 2.101. (Parallel amendments to
Trademark Rule 2.111 require a petitioner to include proof
of service of the petition for cancellation.) Service may

be made by any of the means set out in Trademark Rule 2.119(b). A certificate of service is adequate proof of service; service by a process server is not necessary. A notice of opposition (or petition for cancellation) filed without a certificate of service will not be instituted.

The notice of final rulemaking and a chart summarizing the changes contained in the notice are available for viewing on the TTAB web page:

www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf

www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

ESTTA Tracking number: **ESTTA345749**

Filing date: **05/05/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: **Clover-Stornetta Farms, Inc.**
Application Serial Number: **76680932**
Application Filing Date: **08/20/2007**
Mark: **CLOVER FARMSTEAD**
Date of Publication **01/26/2010**

60 Day Request for Extension of Time to Oppose Upon Consent

Pursuant to 37 C.F.R. Section 2.102, Clover Farms Dairy Company, 3300 Pottsville Pike, Reading, PA 19605, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark with applicant's consent.

The time within which to file a notice of opposition is set to expire on 05/26/2010. Clover Farms Dairy Company respectfully requests that the time period within which to file an opposition be extended until 07/25/2010.

Respectfully submitted,
/Tristram R. Fall, III/
05/05/2010

Tristram R. Fall, III, Esquire

Fox Rothschild LLP

2000 Market Street 20th Floor

Philadelphia, PA 19103

UNITED STATES

tfall@foxrothschild.com, ipdocket@foxrothschild.com

215-299-2016

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tristram R. Fall, III, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103

Mailed: May 5, 2010

Serial No.: 76680932
ESTTA TRACKING NO: ESTTA345749

The request to extend time to oppose is granted until
7/25/2010 on behalf of potential opposer **Clover Farms Dairy
Company**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board


TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS ("ESTTA")
DATE OF FILING: July 2, 2010

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office by means of the Electronic System for Trademark Trials and Appeals ("ESTTA") on this 2nd day of July, 2010.

Dated: July 2, 2010



Tristram R. Fall, III

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this paper was deposited with the United States Postal Service, first class postage prepaid, on the date indicated below, in an envelope addressed to:

Catherine J. Banti, Esquire
Anderson, Zeigler, Disharoon, Gallagher & Gray
P.O. Box 1498
50 Old Courthouse Square
5th Floor
Santa Rosa, CA 95402-1498

Dated: July 2, 2010



Tristram R. Fall, III